

REMARKS

The Examiner has rejected Claims 1, 3, 5-7, 9, 10, 12, 14-16, 18 and 19 under 35 U.S.C. 103(a) as being unpatentable over Ferguson (U.S. Patent No. 6,769,019) in view of Sheldon et al. (U.S. Patent No. 6,072,486). In addition, the Examiner has rejected Claims 2, 11, 20, 21, 23-25, 27-29, 31-33, 35, 36 and 38 under 35 U.S.C. 103(a) as being unpatentable over Ferguson, in view of Sheldon, and in further view of Howard et al. (U.S. Patent No. 6,584,505). Further, the Examiner has rejected Claim 37 under 35 U.S.C. 103(a) as being unpatentable over Ferguson, in view of Sheldon, in view of Howard, in view of Shafron (U.S. Patent Publication No. 2004/0165007), and in further view of Schultz (U.S. Patent No. 6,453,339). Applicant respectfully disagrees with such rejections, especially in view of the amendments made hereinabove to each of the independent claims.

With respect to each of the independent claims, and particularly applicant's claimed "linking the toolbar to a portal of a user...[and] presenting a bucket on the toolbar" (see the same or similar, but not necessarily identical language in some of the independent claims), the Examiner has admitted that "Ferguson fails to explicitly teach the linking of a portal of a user to a toolbar."

The Examiner has argued, however, that "Sheldon teaches a system and method for use with web browser toolbars, similar to those of Ferguson," and that "Sheldon teaches the ability to customize the toolbar of a user interface by adding, deleting, or changing the function of an associated button (Col. 1, lines 44-48)." The Examiner has thus concluded that "the incorporation of the GUI 246, and its inherent link to the displayed portal in Ferguson, is made possible by the toolbar customization of Sheldon," and that "it would have been obvious...to modify the web browser toolbar, portal and bucket of Ferguson to include the toolbar customization of Sheldon."

Applicant respectfully disagrees. Applicant respectfully asserts that only generally teaching "toolbars [that] can be modified by adding or deleting buttons, or by

changing the function associated with a button,” as in Sheldon, fails to even suggest, let alone specifically meet applicant’s claimed “linking the toolbar to a portal of a user” (emphasis added-as claimed). Thus, such claimed feature is not present in Ferguson (as admitted by the Examiner), and further not present in Sheldon (as noted above).

It appears that the Examiner has relied on an inherency argument regarding the above emphasized claim limitations. In view of the arguments made hereinabove, any such inherency argument has been adequately rebutted, and a notice of allowance or a specific prior art showing of such claim features, in combination with the remaining claim elements is respectfully requested. (See MPEP 2112)

Further, in response, applicant asserts that the fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic. In re Rijckaert, 9 F.3d 1531, 1534, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993); In re Oelrich, 666 F.2d 578, 581-82, 212 USPQ 323, 326 (CCPA 1981). “To establish inherency, the extrinsic evidence ‘must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient.’” In re Robertson, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999).

With respect to independent Claim 38, the Examiner has relied on Col. 6, lines 53-62 in Howard to make a prior art showing of applicant’s claimed “toolbar including a sign on button for allowing a user to sign on to a system.” Specifically, the Examiner has argued that “Howard teaches the use of sign on buttons in a web browser to allow access to secure information.”

Applicant respectfully disagrees and asserts that the excerpt from Howard relied on by the Examiner simply teaches that “the authentication server generates a sign-in web page and communicates the web page to the client computer system for display on the

user's browser," where "[t]he user fills-in the requested information on the sign-in web page and clicks a "sign-in" button on the web page to send the information entered to the authentication server (step 206)' (emphasis added). However, the mere disclosure of a server generating a sign-in web page for display on the user's browser, where the user fills in the requested information and clicks a sign-in button to send the information to the server, as in Howard, fails to specifically teach applicant's claimed "toolbar including a sign on button for allowing a user to sign on to a system" (emphasis added), as claimed. Clearly, displaying the server generated sign-in page, which includes a sign-in button, on the user's web browser, as in Howard, simply fails to even suggest a "toolbar including a sign on button" (emphasis added), in the manner as claimed.

Still with respect to independent Claim 38, the Examiner has again relied on Col. 6, lines 53-62 in Howard to make a prior art showing of applicant's claimed "linking the toolbar to a portal of the user on a remote server coupled to the computer via network upon the user signing on" (as amended).

Applicant respectfully asserts that the excerpt from Howard relied on by the Examiner simply teaches that where "the user has not yet logged into the authentication server...the authentication server generates a sign-in web page and communicates the web page to the client computer system for display on the user's browser." Clearly, logging into an authentication server, as in Howard, fails to even suggest applicant's claimed "linking the toolbar to a portal of the user on a remote server coupled to the computer via a network upon the user signing on" (emphasis added), as claimed.

Furthermore, with respect to independent Claim 38, the Examiner has failed to even address applicant's claimed "providing additional features on the toolbar upon the user signing in, one of the additional features being in association with an icon presented on the toolbar." Applicant respectfully asserts that none of the prior art references relied on by the Examiner teach "providing additional features on the toolbar upon the user signing in," as claimed. Thus, a notice of allowance or a proper prior art showing of all

of applicant's claim limitations, in combination with the remaining claim elements, is respectfully requested.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed.Cir.1991).

Applicant respectfully asserts that at least the third element of the *prima facie* case of obviousness has not been met, since the prior art excerpts, as relied upon by the Examiner, fail to teach or suggest all of the claim limitations, as noted above. Nevertheless, despite such paramount deficiencies and in the spirit of expediting the prosecution of the present application, applicant has substantially amended each of the independent claims as follows:

“displaying a toolbar over a web browser on a computer; [and]
linking the toolbar to a portal of a user on a remote server coupled to the computer via a network, wherein the portal is for aggregating content selected by the user” (see the same or similar, but not necessarily identical language in each of the independent claims).

Applicant respectfully asserts that only applicant claims “displaying a toolbar over a web browser on a computer” and “linking the toolbar to a portal of a user on a remote server coupled to the computer via a network” (emphasis added), as claimed. For example, the Examiner has argued that “the open GUI [is] analogous to the claimed ‘portal’” and that “adding the selected content to the portal [as applicant claims is]...taught as the dragging and dropping of selected hyperlinks into the graphical user

interface [GUI] 246 of the invention.” Applicant respectfully asserts that such disclosure does not meet applicant’s claimed “displaying a toolbar over a web browser on a computer” and “linking the toolbar to a portal of a user on a remote server coupled to the computer via a network” (emphasis added), as now claimed.

Again, applicant respectfully asserts that at least the third element of the *prima facie* case of obviousness has not been met, since the prior art excerpts, as relied upon by the Examiner, fail to teach or suggest all of the present claim limitations, as noted above. Thus, a notice of allowance or a proper prior art showing of all of applicant’s claim limitations, in combination with the remaining claim elements, is respectfully requested.

Applicant further notes that the prior art is also deficient with respect to the dependent claims. For example, with respect to dependent Claim 2 et al., the Examiner has relied on Col. 6, lines 53-62 in Howard to make a prior art showing of applicant’s claimed “toolbar [that] includes a sign on button, wherein the toolbar links to the portal upon the user signing in.” Specifically, the Examiner has argued that “Howard teaches the use of sign on buttons in a web browser to allow access to secure information.”

Applicant respectfully disagrees and asserts that the excerpt from Howard relied on by the Examiner simply teaches that “the authentication server generates a sign-in web page and communicates the web page to the client computer system for display on the user’s browser,” where “[t]he user fills-in the requested information on the sign-in web page and clicks a “sign-in” button on the web page to send the information entered to the authentication server (step 206)’ (emphasis added). However, the mere disclosure of a server generating a sign-in web page for display on the user’s browser, where the user fills in the requested information and clicks a sign-in button to send the information to the server, as in Howard, fails to specifically teach applicant’s claimed “toolbar [that] includes a sign on button,” let alone “wherein the toolbar links to the portal upon the user signing in” (emphasis added), as claimed.

With respect to dependent Claim 4 et al., as rejected under 35 U.S.C. 103(a) as being unpatentable over Ferguson, in view of Sheldon, and in further view of Schultz et al. (U.S. Patent No. 6,453,339), the Examiner has relied on Col. 3, lines 19-47 in Schultz to make a prior art showing of applicant's claimed technique "wherein the toolbar includes a headlines button, wherein headlines of the portal are displayed on the web browser upon selection of the headlines button."

Applicant respectfully asserts that the excerpt from Schultz relied on by the Examiner merely discloses that "[u]ser's can subscribe to personal, workgroup or public channels to receive broadcasted information on a specific subject" and that "information is accessed through headlines within a personalized electronic newspaper, or newspaper." Clearly, only generally disclosing headlines within a personalized electronic newspaper, as in Schultz, fails to specifically teach that "the **toolbar includes a headlines button**, wherein headlines of the portal are displayed on the web browser upon selection of the headlines button" (emphasis added), as applicant claims.

Since at least the third element of the *prima facie* case of obviousness has not been met, a notice of allowance or a proper prior art showing of all of the claim limitations, in the context of the remaining elements, is respectfully requested.

Still yet, applicant brings to the Examiner's attention the subject matter of new Claims 39-41 below, which are added for full consideration:

"wherein the bucket includes a button on the toolbar" (see Claim 39);

"wherein the content includes at least one of video, audio, text and graphics" (see Claim 40); and

"wherein adding the selected content to the portal includes storing the content on the remote server" (see Claim 41).

Again, a notice of allowance or a proper prior art showing of all of the claim limitations, in the context of the remaining elements, is respectfully requested.

Thus, all of the independent claims are deemed allowable. Moreover, the remaining dependent claims are further deemed allowable, in view of their dependence on such independent claims.

In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 505-5100. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 50-1351 (Order No. NVIDP380/P002194).

Respectfully submitted,
Zilka-Kotab, PC.

/KEVINZILKA/

Kevin J. Zilka
Registration No. 41,429

P.O. Box 721120
San Jose, CA 95172-1120
408-505-5100